

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **1616 W. Adams Street, Room 120**
3 **Phoenix, Arizona 85007**
4 **(602) 771-2727**

5 In the Matter of:

6 **KRISTINA HOLLAND,**

7 Holder of License No. T002554

8 As a Pharmacy Technician in the State of
9 Arizona

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 12-0037-PHR

10
11
12 Pursuant to Notice of Hearing Number 12-0037-PHR (Notice) this matter came before
13 the Arizona State Board of Pharmacy (Board) on January 24, 2013.

14 Daniel Milovich, president, presided with vice-president Tom Van Hassel and members
15 James W. Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John
16 Musil, and Nona Rosas in attendance.

17
18 The State was represented by the Office of the Attorney General, Monty Lee, Assistant
19 Attorney General, Licensing and Enforcement Section. Kristina Holland, (Respondent) was
20 not present and was not represented by an attorney. The Board granted the State's motion to
21 deem the allegations in the Complaint to be admitted. Based upon A.R.S. § 32-1927.01(O)
22 and the Complaint and Notice of Hearing No. 12-0037 filed in this matter, the Board issues the
23 following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.
24 The Board, after considering the testimony and evidence presented, hereby issues the
25 following Findings of Fact, Conclusions of Law, and Order.
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1 **FINDINGS OF FACT**

2 1. During all relevant times to these findings, Respondent worked as a
3 pharmacy technician at Humana RightSource Pharmacy located at 4302 W. Buckeye
4 Road, Phoenix, Arizona (the "Pharmacy").
5

6 2. On February 16, 2012 Respondent was on duty and working.
7 Respondent was asked to submit to a random drug screen. Respondent failed the test
8 when she tested positive for a controlled substance (Oxazepam) for which she did not
9 possess a valid prescription.
10

11 3. Respondent was terminated from her employment with the Pharmacy for
12 violation of company policy stemming from her failure to pass the random drug test.
13
14

15 **CONCLUSIONS of LAW**

16 1. The Board possesses jurisdiction over the subject matter and over Respondent
17 pursuant to A.R.S. § 32-1901 *et seq.*
18

19 2. The Board may discipline a pharmacy technician who has engaged in
20 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).
21

22 3. The conduct and circumstances described above constitutes a violation of A.R.S.
23 § 32-1901.01 (C) (7) (Working under the influence of alcohol or other drugs).
24

25 **ORDER**

26 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
27 following Order:

28 The pharmacy technician license issued to Kristina Holland is hereby revoked.
29

1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified of the right to petition for a rehearing or review by filing
3
4 a petition with the Board's Executive Director within thirty (30) days after service of this
5 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
6 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
7 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
8 (35) days after it is mailed to Respondent.
9

10 Respondent is further notified that the filing of a motion for rehearing is required to
11 preserve any rights of appeal to the Superior Court.
12

13 DATED this 31ST day of January, 2013.

14 **ARIZONA STATE BOARD OF PHARMACY**

15
16 SEAL

17 

18 _____
19 Hal Wand, R.Ph.
20 Executive Director

21 COPY OF THE FOREGOING MAILED
22 by CERTIFIED & REGULAR FIRST-CLASS MAIL
23 this 31ST day of January, 2013, to:

24 Kristina Holland
25 15057 North Gil Balcome
26 Surprise, Arizona 85379
27 Respondent
28
29

1 COPY OF THE FOREGOING MAILED
2 this 31 day of January, 2013, to:

3 Christopher Munns
4 Assistant Attorney General
5 1275 W. Washington Street, CIV/SGO
6 Phoenix, Arizona 85007
7 Attorney for the Board

8 and

9 Monty Lee
10 Assistant Attorney General
11 1275 W. Washington Street, CIV/LES
12 Phoenix, Arizona 85007
13 Attorney for the State

14 Receipt # wp